

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No. 3:15-cv-00366

GUY M. DUGAN, KAREN DUGAN, and
MARK S. DUGAN AS TRUSTEE OF THE
GDM FAMILY TRUST,

Plaintiffs,

v.

PHILLIPS WIEGAND, JR.,
PILIANA M. SCHAMENS,
DAVID W. SCHAMENS,
INVICTUS CAPITAL GROWTH
AND INCOME FUND, LLP,
INVICTUS ASSET MANAGEMENT,
LLC, INVICTUS INCOME FUND, LLP,
INVICTUS REAL ESTATE INVESTMENT,
LLP, INVICTUS FUNDS, LLC,
TRADEDESK FINANCIAL GROUP, INC.,
TRADEDESK FINANCIAL CORP.,
TRADESTREAM ANALYTICS, LTD.,
INVICTUS CAPITAL GROWTH FUND,
LLP, INVICTUS HOLDINGS, LLP,
TRADEDESK CAPITAL, LLC,

Defendants.

**NOTICE OF SETTLEMENT AND
MOTION TO STAY ENTRY OF
DEFAULT JUDGMENT OR DISMISSAL**

NOW COMES, Guy M. Dugan, Karen Dugan and Mark S. Dugan as Trustee of the GDM Family Trust (õPlaintiffsö), by and through the undersigned counsel of record, and hereby notify the Court of a settlement of the above captioned matter. The confidential terms of the settlement are to be consummated over the next 95 days, and if consummated, the parties have agreed that a dismissal will be filed after those 95 days. A Motion for Default Judgment is currently pending in this matter (Doc. 46) (the õMotion for Default Judgmentö), and the Plaintiffs respectfully request that a ruling on the Motion for Default Judgment be stayed

pending the consummation of the settlement terms. If the settlement terms are consummated, the Plaintiffs will file a dismissal of this action on or before February 15, 2017, and respectfully request that they be given until February 15, 2017 to file the dismissal or request a ruling on the Motion for Default Judgment.

This the 10th day of November, 2016.

Respectfully submitted,

By: **s/ Mark R. Kutny**
Mark R. Kutny (NC Bar # 29306)
Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date the foregoing was served upon all parties of record by depositing a copy thereof in the United States mail, postage prepaid and addressed as follows:

David W. Schamens
Piliana M. Schamens
138 Arnold Palmer Drive
Advance, NC 27006

This the 10th day of November, 2016.

By: **s/ Mark R. Kutny**
Mark R. Kutny (NC Bar # 29306)
Attorney for Plaintiffs

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